

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Mitsuhiro HIRABAYASHI, et al.  
Serial No. : 10/760,092  
Filed : January 19, 2004  
For : RECORDING APPARATUS, REPRODUCTION  
APPARATUS, AND FILE MANAGEMENT METHOD  
Art Unit : 2168  
Confirmation No. : 2150  
Examiner : Hasanul Mobin

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September 21, 2009

Date of Signature

**NOTICE OF APPEAL**  
**AND PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Final Office Action dated June 19, 2009, having a three month  
shortened statutory period for reply set to expire on September 21, 2009 (September 19, 2009  
being a Saturday), Applicants submit a Notice of Appeal and a Pre-Appeal Brief Request for

Review. Applicants enclose an electronic payment in the amount of \$540.00 for the Notice of Appeal fee.

## I. REJECTIONS TO BE REVIEWED

Claims 1-9, 11-35, 37-41, and 43-48 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,144,969 to Inokuchi et al. (hereinafter, merely “Inokuchi”) in view of U.S. Patent No. 5,440,401 to Parulski et al. (hereinafter, merely “Parulski”).

## II. ARGUMENT

Claim 1 recites, *inter alia*:

A recording apparatus for recording video files and audio files on a recording medium, comprising:

index file generation means for generating an index file of the files recorded on the recording medium, said **index file having a series of entries each being a block of extract information** relating to and coordinated with one of the files recorded on the recording medium;

said **index file comprising respective files**, each associated with a different attribute selected from a plurality of attributes and each including a header and data related to said attribute,

**classification means for classifying the block of extracted information included in each entry according to the plurality of attributes....**

The index file of claim 1 includes at least the following features:

1. “Respective files.” Each of the “respective files” is “associated with a different attribute selected from a plurality of attributes.”

2. “A series of entries.” Each entry is “a block of extract information relating to and coordinated with one of the files recorded on the recording medium.” Blocks in each of the entries are **“classif[ied] according to the [same] plurality of attributes [as that of the respective files].”**

Applicants respectfully submit that Inokuchi and Parulski, taken either alone or in combination, fail to disclose or render predictable the above-identified features of claim 1.

The Office Action (see page 4) concedes that Inokuchi fails to disclose or suggest the above-identified features of claim 1 and relies on Column 5, lines 50-56 of Parulski to reject **“classification means for classifying the block of extracted information included in each entry according to the plurality of attributes,”** as recited in claim 1. The cited portion of Parulski describes:

When the montage button 210 (FIG. 1) is pressed by the user, the CD reader moves to the index file data track and reads some of the data from the index image records into memory. Depending on the number of stored images indicated by the index file 31 (FIG. 2), either a single montage, or a plurality of montage images, may be stored into memory 50. In order to produce a montage of up to four images, as diagrammatically illustrated in FIG. 7, the four 256×384 low resolution records are read into memory 50 in such a manner that the first image 401 is placed in the upper left corner, the second image 402 is placed in the upper right corner, the third image 403 is placed in the lower left corner and the fourth image 404 is placed in the lower right corner. Text generator 62 overlays the numbers of the four images in the appropriate locations. Because the data for these four images is all stored together in index image file 31 shown in FIG. 2, the montage is created much faster than if the low resolution image information had to be retrieved from the four high resolution files 32-1, 32-2, 32-3 and 32-4, since the time required by the CD reader to access these four files is four times as long as the time required to access the single index image file.

Emphasis added. The Office Action (see page 21) interprets the cited portion of Parulski as “in order to display the full screen, the block of retrieved images are being classified as first index, second index etc”. Applicants respectfully disagree. The cited portion of Parulski merely describes sequentially reading images and placing them in a position on a screen. Parulski fails

to disclose or render predictable **classifying the read image according to the same plurality of attributes that are associated with the respective files in an index file.**

Applicants respectfully submit that nothing in the cited portion of Parluski discloses or renders predictable that **“classification means for classifying the block of extracted information included in each entry according to the plurality of attributes,”** as recited in claim 1.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to those described above with regard to independent claims 5, independent claims 7, 9, 11, 32-35, 36-41, 43, and 47 are also patentable.

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons.

As nothing in the art cited in the Office Action cures the above-identified deficiencies, Applicants respectfully request reconsideration and withdrawal of the rejections.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that claim 4 is patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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